





State Water Resources Control Board

Division of Drinking Water

November 24, 2014

Water System No. 3500557

Ms. Donnette Silva-Carter, CEO 33rd District Agricultural Association PO Box 790 Hollister, CA 95024

Attention Ms. Silva-Carter:

CITATION NO. 02-05-14C-012 BACTERIOLOGICAL MONITORING AND REPORTING VIOLATION FOR SEPTEMBER 2014 AND NONCOMPLIANCE WITH THE GROUNDWATER RULE

Enclosed is a Citation issued to the 33rd District Agricultural Association (33rd Ag) public water system.

33rd Ag will be billed at the State Water Resources Control Board Division of Drinking Water's (Divison) hourly rate (currently estimated at \$128.00) for the time spent on issuing this Citation. Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including, but not limited to, preparing, issuing, and monitoring compliance with a citation. At this time, the Division has spent approximately two hours on enforcement activities associated with these violations.

33rd Ag will receive a bill from our Division of Drinking Water Fee Billing Unit in August of next fiscal year. This bill will contain fees for any enforcement time spent on 33rd Ag for the current fiscal year.

If you have any questions regarding this matter, please contact Lora Lyons at (831) 655-6942 or me at (831) 655-6934.

Sincerely,

Jan R. Sweigert, P.E.

District Engineer, Monterey District Office Northern California Field Operations Branch

Drinking Water Program

Enclosures

CC:

CERTIFIED MAIL NO. 7008-1830-0004-5435-4446

San Benito County Environmental Health Department

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1 STATE OF CALIFORNIA 2 WATER RESOURCES CONTROL BOARD DIVISION OF DRINKING WATER 3 4 5 TO: 33rd District Agricultural Association PO Box 790 6 7 Hollister, CA 95024 8 9 Attn: Ms. Donnette Silva-Carter, CEO 33rd District Agricultural Association 10 11 12 CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS 13 TITLE 22, SECTIONS 64424 (a)(1) and (b), 64430, and 64583 14 and 15 TITLE 40, FEDERAL CODE OF REGULATIONS, SECTION 141.402(2) 16 WATER SYSTEM NO. 3500557 17 CITATION NO. 02-05-14C-012 18 Issued on November 24, 2014 19 20 Section 116650 of the California Health and Safety Code authorizes the issuance of 21 a citation to a public water system for violation the California Safe Drinking Water Act 22 (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 23 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order 24 issued or adopted thereunder. 25 26 The State Water Resources Control Board, acting by and through its Division of 27 Drinking Water (hereinafter "Division") and the Deputy Director for the Division. hereby issues a citation to the 33rd Agricultural Association water system (hereinafter, 28 "33rd Ag") for violation of California Code of Regulations (CCR), Title 22, Sections 29



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64424(a)(1) and (b), 64430, and 64583, and Title 40, Code of Federal Regulations, Section 141.402(2).

APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

CCR, Title 22, Section 64424(a)(1) and (b) provides, in relevant part:

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(a)(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total

(b) When collecting the repeat sample set, the water supplier shall

(2) A ground water system must collect, within 24 hours of notification of

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coliform-positive sample.

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6 collect at least one repeat sample from the sampling tap where the original total

five service connections upstream and downstream of the original site.

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coliform-positive sample was taken. Other repeat samples shall be collected within

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CCR, Title 22, Section 64430 and Section 141.402 (2), Title 40, Code of Federal

the total coliform-positive sample, at least one ground water source sample from each

ground water source in use at the time the total coliform-positive sample was

11 Regulations, published on November 2006, Federal Register (Vol. 71, No. 216)

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states in part:

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CCR, Title 22, Section 64583 provides:

collected under 22 CCR, Sections 64422 and 64423.

review and approval before the well is placed into service.

A new or repaired well, or a well that has not been in operation for more than three months shall be sampled for bacteriological quality prior to use. If the results of the bacteriological sampling are positive for coliform bacteria, the well shall be disinfected in accordance with the American Water Works Association (AWWA) C654-03, which is hereby incorporated by reference, and resampled for bacteriological quality and the test results shall be submitted to the Department for

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STATEMENT OF FACTS

The 33rd Ag water system is operated under Water Supply Permit No. 02-05-95P-3500557, issued on January 31, 1995, and consists of two groundwater sources, Main Well (Primary Station Code (PSC): 3500557-001) and Standby Well (PSC: 3500557-002). It serves water to an estimated transient population of 1,500. However, on events held at the park's facility, the water system may serve an estimated maximum population of 8,000. Based on this information, 33rd Ag water system is required to collect one routine distribution sample every week during high use periods, specifically during calendar months June through October, and one routine distribution sample every other week during low use periods the remainder of the year.

During the month of September 2014 the 33rd Ag water system collected five routine distribution bacteriological samples for compliance with the TCR. One of five routine samples, collected on September 29, 2014 tested positive for total coliform and negative for *E. coli*. In response, 33rd Ag monitored and reported only one repeat distribution bacteriological sample, collected on September 30, 2014 from the original total coliform-positive sampling location. The Division did not receive a triggered source water sample in response to the total coliform-positive routine sample from the distribution system in September 2014.

During the month of September 2014, the 33rd Ag water system collected two samples for bacteriological monitoring following repairs to Standby Well. The first sample collected on September 11, 2014 showed a total coliform positive, *E. coli* negative result. The second sample for bacteriological analysis collected on Page 4 of 8

1	September 17, 2014 showed a total coliform negative, E. coli negative result, and a
2	chlorine residual of 0.3 mg/L, which caused the sample to be invalidated. No further
3	bacteriological monitoring of Standby Well was conducted during September 2014.
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5	On October 11, 2014 the 33 rd Ag water system notified the Division of the use of
6	Standby Well for four days during the San Benito County Fair, which ended on
7	October 4, 2014. The Division did not receive analysis results for bacteriological
8	monitoring collected in accordance with AWWA C654-03 prior to the use of Standby
9	Well.
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11	DETERMINATION
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13	33 rd Ag violated Title 22 of the CCR, Sections 64424, 64430, and 64583, in that the
14	water system failed to collect the correct number of repeat distribution bacteriological
15	samples, failed to collect a triggered source water sample following a total coliform-
16	positive routine distribution sample during September 2014, and failed to provide two
17	consecutive bacteriological samples showing no chlorine residual or detection of
18	coliform following disinfection and prior to use of Standby Well.
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20	DIRECTIVES
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22	33 rd Ag is hereby directed to take the following actions:
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24	1. Forthwith, 33 rd Ag shall cease and desist from failing to comply with Section
25	64424, 64430, and 64583, Title 22, CCR.
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- By December 15, 2014, 33rd Ag shall notify all persons served by the water system
 of failure to sample, in conformance with Sections 64424, 64430, and 64583, Title
 22, CCR, and as follows:
 - a) Completion of Appendix A to include the name, address, and telephone number of a system representative as a source of additional information concerning the public notice. You must also give a legible, written description (preferably typed) of the corrective actions taken by the water system to prevent these violations from occurring in the future. You must use the space provided on Appendix A for this written description.
 - b) Submit the completed Appendix A to the Division for approval prior to use.
 - c) Provide public notice for these violations in accordance with Section 64455(c), Title 22, CCR, which requires for each non-English speaking group that exceeds 1,000 residents or 10% of the residents in a community (whichever is less) that the public notice contain information in the appropriate language(s) regarding the importance of the notice, or contain a telephone number or address where such residents may contact the water system to receive a translated copy of the notice or to receive assistance in the appropriate language.
 - d) The 33rd Ag water system shall issue the Division approved public notice by posting in conspicuous locations throughout the area served by the water system, and by publication in a local newspaper no later than **December** 15, 2014.

1	3. 33 rd Ag shall complete the Compliance Certification form (Appendix B) and return
2	it to the Division within ten days of the public notice being distributed but in no
3	case later than December 26, 2014 .
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5	The Division reserves the right to make such modifications to this Citation as it may
6	deem necessary to protect public health and safety. Such modifications may be
7	issued as amendments to this Citation, and shall be deemed effective upon issuance.
8	NI-41-1 1- 41-1- Oit-41 II Oord A Cit III II I
9	Nothing in this Citation relieves 33 rd Ag of its obligation to meet the requirements of
10	the California Safe Drinking Water Act, or of any regulation, permit, standard, or order
11	issued or adopted thereunder.
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13	All submittals required by this Citation shall be submitted to the Division at the
14	following address:
15 16 17 18 19 20 21	Jan Sweigert, P.E. District Engineer State Water Resources Control Board Division of Drinking Water 1 Lower Ragsdale Drive, Building. 1, Suite 120 Monterey, CA 93940
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23	PARTIES BOUND
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25	This Citation shall apply to and be binding upon 33 rd Ag, its officers, directors,
26	shareholders, agents, employees, contractors, successors, and assignees.
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SEVERABILITY

The Directives of this Citation are severable, and 33rd Ag shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with or violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

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Jan Sweigert, P.E.

District Engineer

Division of Drinking Water

State Water Resources Control Board

CERTIFIED MAIL NO. 7008-1830-0004-5435-4446

Appendix A: Public Notification Template Appendix B: Proof of Notification Form

Page 8 of 8



CITATION NO. 02-05-14C-012 Issued: November 24, 2014

Instructions for Tier 3 Monitoring Violations Annual Notice Template

Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

If You Are a	You Must Notify Consumers by	and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method	
Community	Mail or direct delivery (a)	Publication in a local newspaper	
Water System [64463.7(c)(1)]		Posting ^(b) in conspicuous public places served by the water system or on the Internet	
		Delivery to community organizations	
Non-Community Water System	Posting in conspicuous locations throughout the	Publication in a local newspaper or newsletter distributed to customers	
[64463.7(c)(2)]	area served by the water system (b)	Email message to employees or students	
		Posting (b) on the Internet or intranet	
		Direct delivery to each customer	

⁽a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

The notice attached is appropriate for the methods described above, insertion in an annual notice, or included in the Consumer Confidence Report¹. However, you may wish to modify it before using it for posting. If you do, you must still include all the

⁽b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

¹ CCR may be used as long as public notification timing, content, and delivery requirements are met [64463.7(d)].

required elements and leave the standard language for monitoring and testing procedure violations and notification language in italics unchanged. This language is mandatory [64465].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

Contaminant	Required	Number of	When All Samples	When Samples
	Sampling	Samples	Should Have Been	Were or Will Be
	Frequency	Taken	Taken	Taken
VOCs ^(a)	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropane; Ethylbenzene; Methyl-tert-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- "We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards."
- "We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]"
- "We plan to take the required samples soon, as described in the last column of the table above."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Monitoring Requirements Not Met for 33rd District Agricultural Association

Our water system failed to monitor as required for drinking water standards during September 2014 and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During September 2014, our water system collected five distribution samples for bacteriological analysis testing. One sample, collected on September 29, 2014, tested positive for total coliform and negative for E. coli. In response, our water system collected only one of three required repeat distribution bacteriological samples which tested free of coliform bacteria. Our water system also failed to collect a triggered source sample from our active groundwater source, Main Well.

We are also required to collect at least two samples for bacteriological analysis following repairs and disinfection of a well, with both samples showing no detection of coliform bacteria, before placing the well into use. The required samples were not collected before using Standby Well in October 2014. Therefore, we cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

3 Repeats from the	1 Repeat	Within 24 hours of	Resumed routine
distribution system	from the distribution system	notification of a total coliform-positive result	distribution sampling during October 2014
2 samples with no detection of coliform	1 sample total-coliform detected	Before using Standby Well to provide drinking water	Before using the Standby Well
		165	11
1 sample from Main Well	0	Within 24 hours of notification of a total coliform –positive result	Collect a sample from Main Well by 11/30/14
	2 samples with no detection of coliform 1 sample from Main	2 samples with no detection of coliform 1 sample from Main	2 samples with no detection of coliform 1 sample from Main Well 2 samples total-coliform detected standby Well to provide drinking water Before using Standby Well to provide drinking water Standby Well to provide drinking water

 If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.

• BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by 33 rd Distr	ict Agricultural Association
State Water System ID#: 3500557	Date distributed:
System Representative Signature:	

APPENDIX B. COMPLIANCE CERTIFICATION

Citation Number 02-05-14C-012

Name of Water System: 33rd District Agricultural Association

System Number: 3500557

I certify that the users of the water supplied by this water system were notified of the bacteriological violation of Title 22, California Code of Regulations, Section 64426.1 for the compliance periods of September and October 2014 and that the following actions, as directed in 02-05-14C-012, have been completed:

Required Action	Date Completed	
(Citation Directive 2) Public Notification- Posting	E	
(Citation Directive 2) Public Notification- Newspaper	0.2	
(Citation Directive 3) Submit Compliance Certification and a copy of the distributed Public Notification		
Signature of Water System Representative	Date	

*** Attach a copy of the notice distributed. ***

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN DECEMBER 26, 2014

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.